



# Oregon

Kate Brown, Governor

# OCMP

Oregon Coastal  
Management Program

DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT

## 2021/2022 NATIONWIDE PERMIT CZMA FEDERAL CONSISTENCY REQUIREMENTS

The following guide was compiled as a crosswalk for federal permit applicants and USACE Project Managers to determine if a federal consistency review under the provisions of the Coastal Zone Management Act is required for a proposed project.

All Nationwide Permits subject to individual consistency review are outlined in the table below, and include any permit-specific requirements and thresholds that may trigger a federal consistency review requirement. If a Nationwide permit is not listed below, it can be granted advanced concurrence unless the proposed activity is taking place within the Territorial Sea (0-3 nautical miles from shore) or within Aquatic Areas of Special Concern (See “Conditional Exclusions to Advanced Concurrence” below).

### HELPFUL RESOURCES

- [Coastal Habitat Screening Tool](#)
- [Additional Information on Federal Consistency Review](#)
- [2021 NWP CZMA Standard Conditions](#)

### CONDITIONAL EXCLUSIONS TO ADVANCED CONCURRENCE

Conditional Exclusions are applicable based on the location and Nationwide Permit of the proposed project. If a proposed activity intersects with The Oregon Coastal Management Program offers an online habitat mapping tool to aid in determining if a proposed project intersects with Coastal Habitat Screening Tool –

<https://geo.maps.arcgis.com/apps/webappviewer/index.html?id=1b4a3202b66c4ab79b6907e7b4abf9db>

**CONDITIONAL EXCLUSION #1:** Any project taking place in the territorial sea (0-3 nautical miles)

Exception: Not applicable to NWP 1: Aids to Navigation

**CONDITIONAL EXCLUSION #2:** Any project taking place in Aquatic Areas of Special Concern as outlined in the [Coastal Habitat Screening Tool](#)

Exception: Not applicable to NWP 20, 22, 27, 32, and 38

### QUESTIONS?

Please don't hesitate to contact the Oregon Coastal Management Program with any questions regarding CZMA federal consistency requirements – [coast.permits@state.or.us](mailto:coast.permits@state.or.us)

#### Disclaimer:

Applicants are required to consult with and obtain approval from all applicable state, federal, and local entities prior to initiating an activity. Information outlined in this document is only applicable to Oregon's CZMA federal consistency authority.

## NATIONWIDE PERMIT SPECIFIC REVIEW REQUIREMENTS

Where projects do not take place in the Territorial Sea (Conditional Exclusion 1) or Aquatic Areas of Special Concern (Conditional Exclusion 2), the following CZMA requirements apply. Nationwide Permits not listed in the table below or trigger a Conditional Exclusions 1 or 2 do not require Review so long as they comply with the [Standard CZMA Conditions](#) (attached to the federal permit).

NATIONWIDE PERMIT SPECIFIC REVIEW REQUIREMENTS			
NWP#	Permit Name	Permit Specific CZMA Review Requirement	Review Requirement Threshold (where applicable)
6	Survey Activities	Required under specific threshold(s)	Any project that utilizes NWP 6 that proposes the use of explosives for the desired project(s).
12	Oil or Natural Gas Pipeline Activities	Review Always Required	n/a
29	Residential Developments	Required under specific threshold(s)	Review is required anytime a local action as denoted in the applications Land Use Affidavit (JPA, Block 11). Local actions include but are not limited to text amendment, zoning change, goal exception, discretionary decision, or action by a city or county council or commission.
39	Commercial and Institutional Developments	Required under specific threshold(s)	Review is required anytime a local action as denoted in the applications Land Use Affidavit (JPA, Block 11). Local actions include but are not limited to text amendment, zoning change, goal exception, discretionary decision, or action by a city or county council or commission.
40	Agricultural Activities	Required under specific threshold(s)	Review is required for projects proposing greater than 300 linear foot loss of stream bed.
42	Recreational Facilities	Required under specific threshold(s)	Review is required for projects proposing greater than 300 linear foot loss of stream bed.
43	Stormwater Management Facilities	Required under specific threshold(s)	Review is required for projects proposing greater than 300 linear foot loss of stream bed.

44	<b>Mining Activities</b>	<b>Required under specific threshold(s)</b>	If the proposed project intends to use explosives.
48	<b>Commercial Shellfish Mariculture Activities</b>	<b>Review Always Required</b>	n/a
50	<b>Underground Coal Mining Activities</b>	<b>Review Always Required</b>	n/a
51	<b>Land-Based Renewable Energy Generation Facilities</b>	<b>Required under specific threshold(s)</b>	Review is required for projects proposing greater than 300 linear foot loss of stream bed.
53	<b>Removal of Low-Head Dams</b>	<b>Required under specific threshold(s)</b>	Review is always required except where ODFW has determined no current or historical native migratory fish presence or the applicant already has a fish passage approval/waiver.
54	<b>Living Shorelands</b>	<b>Required under specific threshold(s)</b>	Review is always required unless the project consists solely of wood, vegetation, or other living natural 'soft' elements.
55	<b>Seaweed Mariculture Activities</b>	<b>Review Always Required</b>	n/a
56	<b>Finfish Mariculture Activities</b>	<b>Review Always Required</b>	n/a
57	<b>Electric Utility Line and Telecommunications Activities</b>	<b>Required under specific threshold(s)</b>	Review is required for projects proposing greater than 300 linear foot loss of stream bed.
58	<b>Utility Line Activities for Water and Other Substances</b>	<b>Required under specific threshold(s)</b>	Review is required for projects proposing greater than 300 linear foot loss of stream bed.

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